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5 UNITED STATES DISTRICT COURT  
6 DISTRICT OF NEVADA  
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8 FRANCISCO VIDAL,

9 Plaintiff,

10 vs.

11 CAROL ARNOLD, *et al.*,

12 Defendant.  
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Case No. 2:17-cv-02885-RFB-GWF

**ORDER**

14 On November 16, 2017, Plaintiff Francisco Vidal filed his Civil Rights Complaint Pursuant  
15 to 42 U.S.C. § 1983 (ECF No. 1). However, Plaintiff failed to pay the filing fee or file an  
16 application to proceed *in forma pauperis*.

17 Pursuant to 28 U.S.C. § 1914(a), a filing fee of \$350.00 plus an additional \$50  
18 administrative fee is required to commence a civil action in federal district court. The court may  
19 authorize the commencement of an action without prepayment of fees and costs or security if the  
20 plaintiff is granted *in forma pauperis* status by the Court. 28 U.S.C. § 1915(a)(1). To proceed *in*  
21 *forma pauperis*, a plaintiff must submit an *in forma pauperis* application to the Court, accompanied  
22 by an *In Forma Pauperis* Motion Financial Certificate and a copy of the plaintiff's prison account  
23 statement showing the current balance of the account.

24 Should Plaintiff decide to apply for *in forma pauperis* status, he is notified that he will still  
25 be required to pay a total amount of \$400.00, which will be deducted from his prison account in  
26 installments. Pursuant to the Prison Litigation Reform Act of 1995, the District Court is required  
27 to assess a fee where a prisoner is granted leave to proceed *in forma pauperis* in a civil action and  
28 the prison officials are required to collect and remit the money to the Court. *See* 28 U.S.C. §

1 1915(b)(1)-(2). If the plaintiff does not have \$400.00, the plaintiff will be required to pay either  
2 20% of the average monthly balance or 20% of the average monthly deposits, whichever is greater.  
3 Furthermore, the plaintiff will be required to pay installments of 20% of the preceding month's  
4 deposits to the account in months that the account balance exceeds \$10.00. Accordingly,

5 **IT IS HEREBY ORDERED** that the Clerk of the Court shall send Plaintiff an Application  
6 to Proceed *In Forma Pauperis* (Prisoner), *In Forma Pauperis* Motion Financial Certificate and  
7 Instructions for the Application to Proceed *In Forma Pauperis*.

8 **IT IS FURTHER ORDERED** that Plaintiff shall have until **thirty (30) days** from the date  
9 of this order to either pay the appropriate filing fee of \$400.00, or submit a completed application  
10 and affidavit in support of his request to proceed *in forma pauperis*. Plaintiff's failure to comply  
11 with this order will result in the recommendation that this action be dismissed.

12 DATED this 20th day of November, 2017.

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15 GEORGE FOLEY, JR.  
16 United States Magistrate Judge  
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